

packed under insanitary conditions whereby it might have become contaminated with filth.

The vanilla-flavored sirup was alleged to be adulterated in that a sirup flavored with imitation vanilla and simulating vanilla-flavored sirup had been substituted wholly or in part for vanilla-flavored sirup, which it purported to be. It was alleged to be misbranded in that it was an imitation of another food, namely, vanilla-flavored sirup, and its label failed to bear in type of uniform size and prominence the word "imitation" and immediately thereafter the name of the food imitated; and in that it was fabricated from two or more ingredients and its label failed to bear the common or usual name of each ingredient.

On May 20, 1942, pleas of guilty having been entered on behalf of both defendants, a fine of \$200 was imposed on defendant Low. The court dismissed the case against the corporation.

3427. Misbranding of grape juice drink. U. S. v. 27 Cases of Grape Juice Drink. Default decree of condemnation and destruction. (F. D. C. No. 5646. Sample No. 74805-E.)

Analysis showed that this product was an artificially colored solution of water, citric acid, flavor, sugar, and grape juice, having the appearance and odor of grape juice and taste of diluted grape juice.

On September 8, 1941, the United States attorney for the District of New Jersey filed a libel against 27 cases of grape juice drink at Paterson, N. J., alleging shipment in interstate commerce on or about July 16 and 18, 1941, by Rosen Products, Inc., from Brooklyn, N. Y.; and charging that it was misbranded. It was labeled in part: "Rosaly Grape Juice Drink Pure Concord Grape Juice, Sugar, Fruit Flavor, Certified Food Color, Acid and Water Packed By Rosaly Products Brooklyn, N. Y."

The article was alleged to be misbranded in that it was an imitation of another food and its label failed to bear, in type of uniform size and prominence, the word "imitation" and, immediately thereafter, the name of the food imitated.

On July 13, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

CEREAL PRODUCTS

FLOUR

3428. Action to enjoin and restrain distribution of adulterated buckwheat flour and rye meal. U. S. v. John T. Lampman (J. T. Lampman & Co.). Consent decree granting permanent injunction. (Inj. No. 24.)

On January 30, 1942, the United States attorney for the Southern District of New York filed a complaint against John T. Lampman, trading as J. T. Lampman & Co. at Claverack, N. Y., alleging that from on or about October 22, 1941, to the date of filing of the complaint the defendant had shipped in interstate commerce flour and meal that were adulterated in that they consisted in whole or in part of filthy, putrid, and decomposed substances and were unfit for food, and that during such time the defendant had been preparing, packing, and holding flour and meal under insanitary conditions whereby they might have become and had become contaminated with filth; and praying that judgment be entered enjoining and restraining the defendant from directly or indirectly introducing or delivering for introduction in interstate commerce any adulterated article of food.

On April 10, 1942, the defendant having filed an answer denying the substantive allegations of the complaint but having consented to the entry of a decree without trial or adjudication of any issue of fact or law and without admission either express or implied with respect to any such issue, judgment was entered permanently enjoining and restraining the defendant and anyone acting on his behalf from introducing and delivering for introduction in interstate commerce, in violation of the law, any adulterated article of food, the decree providing that it should not be construed as prohibiting the introduction or delivery for introduction into interstate commerce of any adulterated food where such adulteration could not, by the exercise of due and reasonable care, have been prevented, known to, or remedied by the defendant or those acting on his behalf. The decree further permanently enjoined, restrained, and prohibited the defendant and those acting for him from introducing or delivering for introduction into interstate commerce any adulterated food unless and until the defendant had taken all reasonable and necessary steps, including necessary alterations and repairs, to rid and keep the premises free from rodents, cats, weevils, and

insects, had fumigated the premises thoroughly, cleaned all the equipment, etc., and taken all other reasonable precautions to render the manufacturing and storage plant clean and sanitary.

429. Adulteration of pancake flour. U. S. v. 300 Cases of Buckwheat and Corn Flour. Default decree of condemnation and destruction. (F. D. C. No. 7403. Sample No. 40677-E.)

This product contained rodent hair fragments as well as insect fragments.

On April 27, 1942, the United States attorney for the Eastern District of Pennsylvania filed a libel against 300 cases each containing 24 packages of the above-named product at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 20, 1942, by France Milling Co. from Cobleskill, N. Y.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance; and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: (Packages) "1 Lb. 4 Oz. Asco Brand Self Rising Buckwheat Wheat & Corn Flour * * * Distributed by American Stores Co. Phila., Pa."

On May 20, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3430. Adulteration of pancake and waffle flour. U. S. v. 35 Bales and 108 Bales of Bags of Pancake and Waffle Flour. Default decree of condemnation and destruction. (F. D. C. No. 7103. Sample Nos. 93211-E, 93212-E.)

Examination of this product showed the presence of rodent type hairs.

On March 31, 1942, the United States attorney for the District of Oregon filed a libel against 35 bales each containing 20 bags, and 108 bales each containing 10 bags, of pancake and waffle flour at Portland, Oreg., alleging that the article had been shipped in interstate commerce on or about February 14, 1942, from Weiser, Idaho, and that it was in possession of Safeway Stores, Inc.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been held under insanitary conditions whereby it might have become contaminated with filth. The article was labeled in part: "4-9/10 Lbs. [or "9-8/10 Lbs."] Net Weight Harvest Blossom Pancake and Waffle Flour Self Rising Famous Flours, Inc., Omaha, Nebr. Distributor."

On May 18, 1942, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

3431. Adulteration of rye graham flour. U. S. v. 27 Bags of Flour (and 2 other seizure actions against flour). Default decrees of condemnation and destruction. (F. D. C. Nos. 6095, 6096, 6097. Sample Nos. 74528-E, 74529-E, 74530-E.)

This product contained rodent excreta fragments, rodent hairs, and insect fragments.

On November 5, 1941, the United States attorney for the Southern District of New York filed libels against a total of 78 bags of flour at New York, N. Y., alleging that the article had been shipped in interstate commerce within the period from on or about September 2 to on or about September 26, 1941, by A. Katz, Etra Mills, from Hightstown, N. J.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance.

On December 2, 3, and 5, 1941, no claimant having appeared, judgments of condemnation were entered and the product was ordered destroyed.

Nos. 3432 to 3438 report the seizure and disposition of flour that had been shipped in interstate commerce and was in interstate commerce at the time of examination, at which time it was found to be insect-infested. In most instances the time of contamination was not determined.

3432. Adulteration of flour. U. S. v. 160 Bags of Flour. Consent decree of condemnation. Product ordered released under bond to be reworked. (F. D. C. No. 5932. Sample No. 49846-E.)

On or about October 8, 1941, the United States attorney for the Southern District of Mississippi filed a libel against 160 12-pound bags of flour at Hattiesburg, Miss., alleging that the article had been shipped in interstate commerce on or about July 10, 1941, by Ada Milling Co. from Ada, Okla.; and charging that it was adulterated in that it consisted in whole or in part of a filthy substance. The article was labeled in part: "Cambric Flour Bleached."

On April 14, 1942, Shelby Wholesale Grocery, Inc., Hattiesburg, Miss., claimant, having admitted the allegations of the libel, judgment of condemnation was en-